

Hon. Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

CINDY CODONI, MICHELLE GEER,
HORACE CATHCART, AMY FRANCE, and
TAMARA CHAKOS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

PORT OF SEATTLE, ALASKA AIR
GROUP, and DELTA AIR LINES, INC.,

Defendants.

Case No. 2:23-cv-00795 JNW

**STIPULATED MOTION REGARDING
DEFENDANTS' RESPONSE TO
SECOND AMENDED COMPLAINT**

**Note on Motion Calendar;
Monday, September 18, 2023
Without Oral Argument**

Pursuant to LCR 7(d)(1) and 10(g), Defendants Port of Seattle, Alaska Air Group,¹ and Delta Air Lines, Inc. ("Defendants") and Plaintiffs Cindy Codoni, Michelle Geer, Horace Cathcart, Amy France, and Tamara Chakos, ("Plaintiffs") (collectively, the "Parties") stipulate and move as follows:

WHEREAS, on June 21, 2023, Defendants and Plaintiffs Cindy Codoni and Michelle Geer filed a Stipulated Motion Regarding Second Amended Complaint providing deadlines for Plaintiffs Cindy Codoni and Michelle Geer to file a Second Amended Complaint and ordering

¹ Defendant Alaska Air Group, Inc. maintains, though Plaintiffs do not concede, that it is a holding company that does not own or operate any aircraft and did not engage in any of the conduct at issue in this suit. Alaska Air Group, Inc. joins this stipulated motion without prejudice to its arguments that the company's subsidiary, Alaska Airlines, Inc., is the proper defendant in this case.

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1 them to confer in good faith to set a deadline for Defendants to respond to the Second Amended
2 Complaint that is not less than 60 days after the filing of the Second Amended Complaint, along
3 with an associated briefing schedule regarding any motions. (*See* Dkt. #40.)

4 WHEREAS, on June 27, 2023, the Court granted the Stipulated Motion Regarding Second
5 Amended Complaint and ordered Defendants and Plaintiffs Cindy Codoni and Michelle Geer to
6 confer in good faith to set a deadline for Defendants to respond to the Second Amended Complaint
7 that is not less than 60 days after the filing of the Second Amended Complaint, along with an
8 associated briefing schedule regarding any motions. (*See* Dkt. #41.)

9 WHEREAS, on August 11, 2023, Plaintiffs filed a Second Amended Complaint (Dkt. #43),
10 adding Plaintiffs Horace Cathcart, Amy France, and Tamara Chakos.

11 WHEREAS, Defendants intend to file Rule 12 motions in response to the Second Amended
12 Complaint.

13 WHEREAS, the Parties have conferred in good faith regarding an appropriate briefing
14 schedule and agree that Defendants' deadline to respond to the Second Amended Complaint is
15 October 27, 2023.

16 WHEREAS, the Parties agree to confer in good faith, after the Rule 12 motions are filed,
17 to set a deadline for Plaintiffs' opposition to the anticipated Rule 12 motions and Defendants'
18 replies thereto.

19 WHEREAS, without prejudice to the Defendants' anticipated Rule 12 motions, the Parties
20 seek to promote the efficient use of the Court's and the Parties' resources by agreeing to: (1) confer
21 in good faith regarding the adoption of protocols governing the discovery of electronically stored
22 information ("ESI protocol") and the assertion of claims of privilege and work-product protection
23 ("privilege protocol"), as well as protective and confidentiality orders, in accordance with Federal
24 Rule of Civil Procedure Rule 26(f); (2) make Rule 26(a)(1) initial disclosures by December 15,
25 2023; and (3) conduct a discovery conference pursuant to Rule 26(f) conference and file a proposed
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discovery plan with the Court within 21 days after each Defendant has filed an answer in this case, should such answers be required.

THEREFORE, IT IS STIPULATED AND AGREED that:

1. Defendants' deadline to file Rule 12 motions in response to the Second Amended Complaint is October 27, 2023.
2. After Defendants' Rule 12 motions in response to the Second Amended Complaint are filed, the Parties will confer in good faith to set a deadline for Plaintiffs' opposition to Defendants' anticipated Rule 12 motions, and a deadline for Defendants' replies in support of Defendants' anticipated Rule 12 motions.
3. The Parties will make initial disclosures pursuant to Rule 26(a)(1) by December 15, 2023.
4. The Parties will confer in good faith regarding an ESI protocol, privilege protocol, confidentiality order and protective order.
5. The Parties will submit a proposed discovery plan within 21 days after each Defendant has filed an answer to the Second Amended Complaint, should such answers be required, and discovery shall not commence until the proposed discovery plan has been filed.

IT IS SO STIPULATED.

DATED: September 18, 2023

MCNAUL EBEL NAWROT & HELGREN
PLLC

By s/Malaika M. Eaton
Malaika M. Eaton, WSBA No. 32837

Attorney for Defendant Delta Air Lines, Inc.

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STIPULATED MOTION RE
DEFENDANTS' RESPONSE TO
SECOND AMENDED COMPLAINT

1 DATED: September 18, 2023

CORR CRONIN LLP

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3 By: s/Steven W. Fogg
Steven W. Fogg, WSBA No. 23528

4 Attorney for Defendant Alaska Air Group

5
6 DATED: September 18, 2023

STOEL RIVES LLP

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8 By: s/Beth Ginsberg
Beth Ginsberg, WSBA No. 18523

9 Attorney for Defendant Port of Seattle

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11 DATED: September 18, 2023

HAGENS BERMAN SOBOL SHAPIRO LLP

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13 By: s/Steve W. Berman
Steve W. Berman, WSBA No. 12536

14 Attorney for Plaintiffs

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STIPULATED MOTION RE
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ORDER

PURSUANT TO THE FOREGOING STIPULATED MOTION, IT IS SO ORDERED.

1. Defendants' deadline to file Rule 12 motions in response to the Second Amended Complaint is October 27, 2023.
2. After Defendants' Rule 12 motions in response to the Second Amended Complaint are filed, the Parties will confer in good faith to set a deadline for Plaintiffs' opposition to Defendants' anticipated Rule 12 motions, and a deadline for Defendants' replies in support of Defendants' anticipated Rule 12 motions.
3. The Parties will make initial disclosures pursuant to Rule 26(a)(1) by December 15, 2023.
4. The Parties will confer in good faith regarding an ESI protocol, privilege protocol, confidentiality order and protective order.
5. The Parties will submit a proposed discovery plan within 21 days after each Defendant has filed an answer to the Second Amended Complaint, should such answers be required, and discovery shall not commence until the proposed discovery plan has been filed.

Dated this 19th day of September, 2023.



Jamal N. Whitehead
United States District Judge

Presented by:

MCNAUL EBEL NAWROT & HELGREN PLLC

By: s/Malaika M. Eaton
Malaika M. Eaton, WSBA No. 32837

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8 STOEL RIVES LLP

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